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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KIBLER, VIRGINIA M

ART UNIT PAPER NUMBER

2623

DATE MAILED: 09/12/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/452,149

Applicant(s)

IKEDA ET AL.

Examiner

Virginia M Kibler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on pre-amt 6/9/00.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 09 June 2000 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 12/1/99 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because a translation has not been provided. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

### ***Drawings***

2. The drawings are objected to because a translated copy of the drawings was not provided. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

*Specification*

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because of the inclusion of legal phraseology: the word "said" in lines 4 and 9. Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities: the word "relate" on page 1, line 10 should be changed to "relates;" the word "classifying" on page 3, line 23 should be changed to "classifying;" a period should be added after the word "white" on page 12, line 1; the word "image" should be changed to "image" on page 12, line 25; a period should be added after the phrase "(Step 1201)" on page 15, line 10; the word "imago" on page 15, line 12 should be changed to "image;" the word "defect" on page 15, line 15 should be changed to "defect;" the space between "(Step 1202)" and "." on page 15, line 17 should be deleted; the space between "(Step 1204)" and "." on page 15, line 23 should be deleted; a period should be added after the phrase "(Step 1209)" on page 16, line 15; and the word "collected" on page 17, line 26 should be changed to "collected."

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said memory means" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitations "said detected images" in line 6 and "said plurality of detected images" in lines 9 and 10. There is insufficient antecedent basis for these limitations in the claim.

Claim 3 recites the limitations "said plurality of detected images" in lines 15 and 17-18. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aloni et al. (6,360,005) in view of Ueda (5,586,239).

Regarding claim 1, Aloni et al. ("Aloni") discloses an inspecting system comprising an analyzing unit including a scanner (Figure 1, element 10) or an "image detection device." Aloni also discloses a diagnostic memory/processor or a "storage means" for storing detected images produced by the image detection device (Col. 15, lines 11-16). While Aloni discloses providing a display means (Figure 13, element 256) enabling the operator to review the defect images and to amend defect classifications (Col. 27, lines 10-15), Aloni does not disclose a screen with a first area for displaying a plurality of detected images stored in the memory nor a plurality of second areas for classifying the detected images according to their features. Aloni discloses a defect classification unit (Figure 13, element 258), but Aloni does not disclose classifying the images by moving them from the first area to selected second areas. However, Ueda teaches that it is known to have a screen with a first area for displaying a plurality of detected images stored in the memory and a plurality of second areas for classifying the detected images according to their features. Ueda teaches an information classification apparatus which classifies data units graphically displayed on a display screen (Abstract, lines 1-2). The graphics editing mode or a "first area" is shown in Figure 3(a), element 300. The objects or "images" (Col. 5, lines 9-10) in the first area 300 are sorted out (Col. 5, lines 63-65) and classified into a plurality of second areas shown in Figure 3(d), elements 310 and 320. The second areas differ from the first area 300 and are displayed on the display screen of the display unit (Col. 6, lines 1-4). Ueda also teaches a means for moving the plurality of images from the first area to selected second areas as described in the flowcharts in Figures 5 and 10. Therefore, it would have been obvious to one of ordinary skill in the time of the art to have modified the inspection system disclosed by Aloni to include a screen with a first area for displaying a plurality of detected images stored in the

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memory, a plurality of second areas for classifying the detected images according to their features, and a means for moving the images from the first area to selected second areas, as taught by Ueda, in order to improve the operational efficiency (Col. 12, lines 4-5).

Regarding claim 2, the arguments analogous to those presented above for claim 1 are applicable to claim 2.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aloni et al. (6,360,005) in view of Ueda (5,586,239) in further view of Nara et al. (6,421,122).

Regarding claim 3, the arguments analogous to those presented above for claim 1 are applicable to claim 3. Note that Ueda discloses providing information to the analyzing unit concerning images in the second areas of the screen by the node data managing unit 151 (Col. 4, lines 8-13). Both Aloni et al. ("Aloni") and Ueda do not recognize a method of manufacturing. However, Nara et al. ("Nara") teaches that an inspection apparatus can be applied to a manufacturing process or "method" of a semiconductor device (Col. 37, lines 53-57). Nara teaches a method of manufacturing an electronic device wherein use is made of a manufacturing apparatus for processing a workpiece to form an electronic device (Col. 42, lines 30-32). Nara also teaches controlling the production line using information obtained from said analyzing unit to process the workpiece (Col. 42, lines 48-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the inspection system disclosed by Aloni and Ueda to have included the method of manufacturing an electronic device, as taught by Nara in order to prevent the generation of a large quantity of failure and raise productivity (Col. 37, lines 62-65).

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,212,527 to Gustman is cited for method and apparatus for cataloguing multimedia data;

U.S. Pat. No. 6,182,069 to Niblack et al. is cited for video query system and method; and

U.S. Pat. No. 5,995,087 to Tanaka is cited for apparatus for automatically deciding characteristic colors of an image.

***Contact Information***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virginia M Kibler whose telephone number is (703) 306-4072. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703) 308-6604. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



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VK

August 22, 2002



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